

Practitioner's Docket No. 100848.216013US1



#16

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tam, Robert

Application No.: 09/331,204

Group No.: 1635

Filed: August 20, 1999

Examiner: James Schultz

For: G-rich Oligo Aptamers and Methods of Modulating an Immune Response

Commissioner for Patents
Washington D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Martin Fessenmaier, represent that I am the attorney of record.

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EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the assignee, Ribapharm Inc., owns is in the whole of this invention.

DISCLAIMER (Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date Patent No. 5,932,556 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. section 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, bearing label no. EV 099380942 US.

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In making the above disclaimer, assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 5,932,556 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Signature of Practitioner

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